# **EXHIBIT B**

## IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OHIO EASTERN DIVISION

ERIC LANGE, et al.	
	)
Plaintiffs,	) Case No. 5:15-cv-00859-JRA
vs.	) ) JUDGE ADAMS
	) MAG. JUDGE LIMBERT
CORNWELL QUALITY TOOLS CO.	)
	)
	)
Defendant.	

### **MOTION FOR SANCTIONS**

Defendant Cornwell Quality Tools Company respectfully moves the Court to grant it sanctions against Plaintiffs' counsel pursuant to Fed. R. Civ. P. 11(b) and (c). The Complaint that was signed and filed by counsel on May 1, 2015, was clearly barred on grounds of collateral estoppel by reason of issue preclusion. The signing and filing thus violated Fed. R. Civ. P. 11(b)(2) in particular, but also subsections (1) and (3).

Cornwell requested that Plaintiffs' counsel withdraw the Complaint by letter dated May 4, 2015, giving notice of the violation of Rule 11. There was no response to the letter and the Complaint was not withdrawn. Cornwell moved to dismiss the Complaint pursuant to Fed. R. Civ. P. 12(b)(6) on May 21, 2015. As of the time of service of this Motion on counsel, on May 23, 2015, no response to the Motion to Dismiss had been filed. Such a response would now be untimely.

Sanctions are plainly warranted. This case is directly analogous to *Hunstman v. Perry Local Schools Bd. of Educ.*, 2008 WL 5146546 (Not Reported in F.Supp.2d) (USDC NDOH, 2008), *affd.* 379 Fed.Appx. 456 (Sixth Cir. 2010). See also, *Trans Rail America, Inc. v. Hubbard* 

Tp., 2012 WL 4483738 (Not Reported in F.Supp.2d) (USDC, NDOH 2012) and Hy-Ko Products Co. v. Hillman Group, Inc., 2012 WL 892560 (Not Reported in F.Supp.2d) (USDC NDOH 2012).

Respectfully submitted,

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#### **CERTIFICATE OF SERVICE**

I certify that a copy of the foregoing Response was served by U.S mail and email this

23rd day of June, 2015, upon:

Timothy A. Shimko Timothy A. Shimko & Associates, LPA 1010 Ohio Savings Plaza 1801 East 9<sup>th</sup> Street Cleveland, OH 44114 tas@shimkolaw.com

and

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> /s/ Robert M. Gippin Robert M. Gippin (#0023478)